

# **Citizen Charter Review Committee**

January 14, 2010

11:30 a.m. – 2 p.m.

Leon County Courthouse

Commission Chambers, 5<sup>th</sup> floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
  - 1. January 7, 2010 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
  - 1. Charter Issues
    - a. Petition Thresholds
    - b. Board of County Commission Chairman Position
    - c. County Commission Districting Scheme
    - d. Non-partisan Elections
  - 2. Staff/Consultant Discussion (Pertinent Updates)
  - 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for Thursday,  
January 21, 2010*

**I.**

**CALL TO ORDER**

## **II.**

# **INVOCATION AND PLEDGE**

**III.**

**ROLL CALL**

#### **IV.**

### **APPROVAL OF MINUTES OF PREVIOUS MEEINTG**

**Leon County  
2009-2010 Citizens Charter Review (CRC)  
Committee  
January 7, 2010**

Attending: Chris Holley (Chair), Marilyn Wills, David Jacobsen, Linda Nichol森, Donna Harper, Jon Ausman, Ralph Mason, Catherine Jones, Lester Abberger, Chuck Hobbs, Lance deHaven-Smith, Sue Dick, Larry Simpson, Tom Napier, and Rick Bateman. Also attending were Vincent Long, Herb Thiele, Patrick Kinni, Kurt Spitzer, Shington Lamy and Rebecca Vause.

**I. Call to Order**

Chairman Holley called the meeting to order at 5:30 p.m.

**II. Invocation and Pledge**

The invocation was provided by Sue Dick. Chairman Holley then led the Pledge of Allegiance

**III. Roll Call**

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

**IV. Approval of Minutes of Previous Meeting**

Chairman Holley noted that the dates January 10, 2010, should read January 14, 2010 and Mr. Jacobsen noted the correction to his name.

*Lester Abberger moved, duly seconded by Linda Nicholson, to approve the December 10, 2009 minutes, as amended. The motion carried unanimously.*

**V. Reports of Chairperson**

Chairman Holley reminded members that tonight meeting was the last opportunity for issues to be added to the Issues Agenda.

Chairman Holley inquired if there was an interest by the Committee to invite Frank Bruno from Volusia County to come speak to the group and share his thoughts and opinions on Volusia County's Charter. He established that there was interest among the Committee to invite Mr. Bruno to address the CRC.

Sue Dick deemed that more time was needed for the Committee to thoroughly discuss and process the issues pending before the group and opined that continued discussion was needed. She recommended that the January 21, 2010 meeting be scheduled as an "Issues Meeting". Chairman Holley confirmed that it was the consensus of the Committee that at least one more meeting was needed to process issues.

*Sue Dick moved, duly seconded by Donna Harper, to change the January 21, 2010 to a discussion of issues meeting. The motion carried unanimously.*

Chairman Holley suggested that the next evening meeting be scheduled when the Decision Agenda would be discussed (January 28, 2010).

## **VI. Presentation by Invited Guests/Consultant**

### **a. Mayor John Marks, City of Tallahassee**

Mayor Marks spoke on “change” and stated that it was the CRC’s responsibility to give elected officials the ability and tools to manage change and that the Charter provides a unique opportunity to examine, refocus and provide input into community governments. He remarked that the City was committed to focusing on what works best for the community.

He provided three areas of thought for the Committee’s consideration:

1. Efficiency and effectiveness of local government;
2. Be mindful of integrity of process of government, and
3. Access and Accountability

Mayor Marks stated that it was important that the City maintain flexibility within the County framework to best serve and meet the needs of unique conditions; this is called “Home Rule” and should be maintained. He cited stormwater standards as a good example of when the City may require the flexibility to reasonably govern operations based on underlying characteristics that are specific to the City and not necessarily the unincorporated areas.

He commented on collaborative efforts such as the Big Bend Regional Partnership and American Recovery and Reinvestment Act efforts; and to address concerns about the annexation policy, he offered that since 1999 to date, the total land mass of the City grew less than 4.87 square miles.

Mayor Marks emphasized the need for economic development and the creation of jobs and job development. He mentioned that local governments must proactively engage State decision makers to ensure that any local outsourced government jobs are retained by a private firm within the same community where the job is lost. He remarked on the creation of a Community Master Plan to assist in economic development and the creation and maintenance of jobs.

He spoke on the City’s smart grid technology and proclaimed that we need to be mindful of energy resources and how needs are addressed.

Mayor Marks discussed consolidation and offered that the Committee should assess what problems would be solved through consolidation. He commented that consolidation can initially cost more than the efficiencies it attempts to create. He referenced a 2005 study that revealed that the majority of communities that have that have successfully consolidated claim economic development as the primary reason for consolidation. He acknowledged that consolidation can be more efficient and pointed out that areas such as Planning, Fire/EMS have been functionally consolidated and other areas to consider include parks and recreation, animal services, growth management and the building inspection process.

b. City Commissioner Debbie Lightsey:

Commissioner Lightsey addressed the issue of City/County stormwater and shared her insights on this topic:

She provided a history of the City's stormwater efforts and shared that the City has consistently taken a proactive approach to water quality and flood control. She advised that there have been two major City/County conversations regarding consolidation of stormwater utilities, both of which ended with the County deciding not to pursue the issue until it had adopted a stormwater fee similar to the higher fee structure established by the City, and thus could support a more comprehensive stormwater program. She added that the County does not have an effective billing system.

Commissioner Lightsey shared that she put together a Watershed Policy Board (WPB) which included County Commissioner Cliff Thael and three local experts and its first task was the development of a single ordinance. Their comparison review of the two ordinances revealed that in 43% of the area inside the County the Ordinances were similar; 10% of the area the County's standards were higher, and in 23% the City's regulation were more stringent. The remaining percentage is the National Forest where development is prohibited. Ms. Lightsey noted that differences exist because "one size doesn't fit all" and that urban stormwater volumes are much higher.

Commissioner Lightsey shared that the WPB has recommended that a single stormwater ordinance not be pursued until both the State and Federal Environmental Protection Agencies complete their rewrite of their standards, which will supersede all local regulations. She advised that changing an ordinance regulating development requires a lot of time, technical work, staff time and public input to achieve. Commissioner Lightsey remarked that both new standards are expected to dramatically change the approach to stormwater treatment and all local regulations will have to be rewritten to conform to these rules.

She noted that the City has committed \$220 million to overhaul its entire treatment system and its being done to protect Wakulla Springs.

Rick Bateman established with Commissioner Lightsey that she did not believe that a single ordinance was necessary, as differing standards would have to be maintained. She asked that the CRC take into account 1) that whoever collects the fee would be accountable to the public and 2) the issuing of permits. Mr. Bateman followed up that a single ordinance did not mean that the same standards would have to apply throughout the City and County.



Lester Abberger inquired if the new state and federal standards would preempt local standards, even if the local standards were more stringent. Commissioner Lightsey indicated that this has not yet been resolved.

Jon Ausman remarked that at one time the City, under Mayor Scott Maddox, had considered privatizing City utilities and inquired if the City would consider a transfer of authority to the County or establishing some type of cooperative management of utilities. Commissioner Lightsey responded that she was unaware of discussion of the Public Energy Authority and could not address Mr. Ausman's question.

Chairman Holley expressed the Committee's appreciation for the Mayor and Commissioner Lightsey's presentations.

## **VII. Remarks of Interested Citizens**

- Curtis Banes, 1323 E. Tennessee St., distributed a letter to each Committee member with his comments on functional consolidation; partisan or non-partisan elections and non-interference clause. He requested that strong language be included in the Charter that would require before any consolidation occur, that it demonstrate clearly that it is going to reduce the cost of the consolidated functions and reduce the cost of government. He opined that the County cannot afford consolidation - at any cost.
- Bob Fulford, 231 Westridge Dr., opined that the petition threshold was too high and asked that his be addressed by the Committee. He also mentioned that it was important for qualifications to be established for sitting on the Committee.

David Jacobsen inquired the petition threshold recommended by Mr. Fulford. Mr. Fulford responded that a six percent would be reasonable.

Ralph Mason established with Mr. Spitzer that the threshold requirement in other Charter Counties to amend Charters typically is seven-eight percent.

- Kevin Koelemij, 2225 Amelia Circle, requested that the Committee consider the correct relationship between government and the public and that accountability not be diminished.
- Dale Landry, 1940 Nanticoke Circle, President of the local NAACP Chapter, shared that they were interested in the Committee's discussions regarding the makeup of the County Commission; specifically in the possibility of changing from five to four districts, with three at-large seats. He reminded members that the NAACP had filed legal action that helped establish the current County Commission make-up and indicated there would be opposition to changes. He added that the NAACP would work and participate in the process.

Jon Ausman and Donna Harper dialogued with Mr. Landry on the NAACP's position on such areas as: addition of single member districts; party affiliations on ballots, and criteria for district schemes. Mr. Landry affirmed that he did not come prepared to address these issues at this time; however confirmed that the NAACP supported single member districts and any system that maximized voter turnout. He added that the NAACP would value the opportunity and accessibility for fair representation before an elected body.

Chairman Holley thanked Mr. Landry for his remarks and encouraged the organization's input and participation in future meetings.

- Randy Agerton, 2305 Killearn Center Blvd., opined that government is exceeding its authority and stated that the Charter should be changed to give authority to make changes. He also suggested that the size of government be reduced.
- Michael Rosenthal, 4045 Kilmartin Dr., professed the need for principles that promotes a more efficient and effective government, such as a Taxpayer Bill of Rights and Sunset Provisions.
- Rick Malphrus, 6538 Treasure Oaks Circle, voiced opposition to partisan elections and submitted that incumbents have an unfair advantage. He suggested that the "incumbent tag" be removed from the ballot.
- Charles McDonald, 4184 Pamela Lane, requested that when considering topics such as consolidation that fundamental differences between the City and County be considered, especially in areas such as Parks and Rec.
- Dennis Barton, 924 Hillcrest Court, expressed opposition to restoring partisanship to local elections.
- Larry Hendricks, 406 Alpha Avenue, indicated concern that the CRC meetings are not being broadcast and those individuals without Comcast service have no access to Commission meetings. He suggested that this be mandated in the Charter. He provided comment on a number of issues such as partisan elections, campaign contribution, and functional consolidation. He professed that the Charter should define essential services and that incentives should be provided for locally run businesses. He confirmed that issues would be individually listed on the ballots.
- Shirley Thompson, 200 Hawk Meadow Dr., expressed concern about the review process as it relates to "home rule" and which ordinance prevails, non partisan election process and the County's taxing authority. She opined that the general public is not aware of what the Charter sets forth, its impact on the community and their lives and opined that something should be done to ensure that residents are aware of this before changes are proposed and put forth for vote.
- Lisa Williams, 2822 Parr Lane, asked that Committee members consider the citizens in every decision that is made.

Chairman Holley announced that this concluded the public comment portion of the agenda and thanked all citizens for attending the meeting and providing input.

#### **VIII. Unfinished Business**

None.

#### **IX. New Business**

##### **1. Charter Issues**

Mr. Spitzer announced that information on the four tagged issues has been provided.

##### **a. Functional Consolidation**

Mr. Spitzer added that direction was needed if there was an interest in pursuing further. He noted that full consolidation was not within the Committee purview.

Rick Bateman inquired about the survey conducted by *TallahasseeVoices* and verified that this was not conducted or endorsed by the County. He indicated that he would be interested hearing specifics regarding the poll. There was discussion on the value of the poll and its use in discussions.

##### Speaker:

Bryan Lupiani, 607 McDaniel St., appeared to explain the *TallahasseeVoices* poll. He indicated that the survey was conducted in January and 507 of the 6,000 panel members responded.

*Rick Bateman moved to schedule discussion regarding the results of the TallahasseeVoices poll. The motion failed for lack of a second.*

Chairman Holley opened the floor up for discussion on functional consolidation.

Sue Dick offered that she would like to see functional consolidation of Growth Management moved forward to discussion. She recalled that the City Charter Committee had recommended the move toward a functional consolidation. (Note: staff advised that a list of the City's recommendations was provided to the Committee and can be found under Tab 2 in the back of their notebook).

Mr. Ausman indicated an interest in the functional consolidation of economic development and pointed out that both entities have contracts with the Economic Development Council.

Cathy Jones noted that the County Commission had agreed for County and City staffs to meet regarding the consolidation of Growth Management.

Ms. Harper acknowledged the importance in job training and education in economic development.

Ms. Dick offered to schedule a short presentation on the current structure of economic development and job creation and how these efforts work together. There was support to schedule a presentation at a future meeting from experts in job development and job training.

Deputy County Administrator Long reiterated that with regard to any consolidated issues, the Charter cannot effectuate a functional consolidation; however the CRC can develop a list of non charter recommendations along with a list of policy statements.

There was discussion on functional consolidation, what could be placed on the ballot, those considered “policy issues” and the types of issues that can be accomplished by Interlocal Agreements between the City and County. Mr. Spitzer noted that information on these types of questions was addressed in his memorandum of January 4 to the Committee. He advised that consolidation of Parks and Recreation and Growth Management can be done through Interlocal Agreement.

*Lance deHaven Smith moved, duly seconded by Jon Ausman, to move consolidation of Growth Management to the Decision Agenda.*

Mr. Lance deHaven Smith commented that the Committee should not make decisions based on whether the City will go along with it or not.

*Motion carried unanimously.*

Ms. Dick reaffirmed that she would schedule an economic development/job creation presentation for a future meeting.

b. Countywide Stormwater Standards

Lester Abberger stated that pending state and federal legislation will prohibit the County’s action on this activity.

Cathy Jones pointed out that the changes are pending and stated that there was no harm in having one ordinance in place.

*Lester Abberger moved, duly seconded by Lance deHaven Smith, to move consolidation of Stormwater Standards Policy to the Decision Agenda. The motion carried unanimously.*

Mr. Long recommended that John Kraynak, Environmental Services Director, be invited to provide the Committee with an overview of the County’s stormwater standards. The recommendation was accepted by the Committee.

c. Volunteer Annexation:

*Jon Ausman moved, duly seconded by Lester Abberger, to defer the item indefinitely. The motion carried unanimously.*

d. Charter/Constitutional Officers:

Chairman Holley confirmed that the Committee had, in response to Clerk Bob Inzer's request for Charter language regarding State Statue and the Clerk's role in auditing functions, asked staff to prepare proposed language on this topic. In effect, the issue (Charter/Constitutional County Officers) had been technically moved to the "Decision Agenda".

County Attorney Thiele Herb shared that language, as a proposed Charter amendment, had been prepared and sent to Clerk Inzer's Office; no response has been received to date. Mr. Thiele confirmed that language has been prepared as part of the Decision Agenda Item.

*Rick Bateman moved, duly seconded by Jon Ausman, that the CRC allow each Constitutional Officer, as requested, to retain their current status of independent County Constitutional Officers and make no changes in that status; except for consideration of the issue raised by Clerk Bob Inzer as related to audits and possible discrepancy between the interpretation of current State Statues and recent case law. (Item to be placed on Decision Agenda)*

*Ms. Harper offered a friendly amendment that the end of the motion be left open to the issues raised by Mr. Inzer. The friendly amendment was accepted by Mr. Bateman.*

*The motion as amended carried 14-1 (Cathy Jones in opposition).*

2. Identification of Additional Charter Issues

Mr. Spitzer stated that the CRC had asked that he review the Charter and provide suggestions on policies that may need to be revised or added to the Charter. He identified policies such as, hire/fire of County Administrator, non-interference clause, clarification of petition prohibitions, etc. Further details on those topics were included in a memo from Mr. Spitzer dated January 4, 2010 and included in the Committee's packet.)

*Donna Harper moved, duly seconded by Rick Bateman, to agenda for the January 21, 2010 Issues Agenda the issues raised by Mr. Spitzer's January 7, 2010 memo. The motion carried unanimously.*

a. Identification of Additional Charter Issues

*Cathy Jones moved, duly seconded by Sue Dick, to agenda for the January 21 Issues Agenda, the establishment of a Citizen Utility Review Committee. The motion carried unanimously.*

Dave Jacobsen suggested that campaign contribution limitations be considered also. Mr. Spitzer advised that this was not within the purview of the Charter and Mr. Thiele opined that campaign finance area is preempted to the State in its totality.

*Mr. Abberger moved, duly seconded by Cathy Jones, to request staff contact the individuals who conducted the TallahasseeVoices poll and prepare a memo that describes the survey methodology and background information. The motion carried 9-6 (Jon Ausman, Donna Harper, Lance deHaven Smith, Chris Holley, Marilyn Wills, Larry Simmons in opposition)*

Staff was asked to provide a summary of issues and asked that the timeline be revised and provided by the next meeting.

Chairman Holley announced that he would not be able to attend the next meeting and pled for civility when discussing the tough issues pending before the Committee.

Staff identified the following items as having been identified by the Committee to move forward:

Decision Agenda:

- Functional Consolidation of Growth Management
- TDC Status
- Authorization for Countywide Stormwater Policy
- Audit Clarification

Issues Agenda:

- Non partisan elections
- Districting Scheme for County Commission
- Question of a change in the manner the Chairman is selected
- Utility Advisory Board
- Issues identified by Mr. Spitzer
- Petition Threshold
- CRC Structure

**X. Adjournment with Day Fixed for Next Meeting**

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 14, 2010 at 11:30 a.m.

*Tom Napier moved, duly seconded by David Jacobsen, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:10 p.m.*

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

DRAFT

**V.**

**REPORTS OF CHAIRPERSON**



## **VI.**

### **PRESENTATIONS BY INVITED GUESTS/CONSULTANT**

## **VII.**

### **REMARKS OF INTERESTED CITIZENS**

**VIII.**

**UNFINISHED BUSINESS**

**IX.**

**NEW BUSINESS**

## **IX. (1): Charter Issues**

- a. Petition Threshold**
- b. Board of County Commission Chairman Position**
- c. County Commission Districting Scheme**
- d. Non-partisan Elections**



**MEMORANDUM**

**TO:** Leon County Charter Review Committee  
**FROM:** Kurt Spitzer  
**DATE:** January 11, 2010  
**RE:** January 14<sup>th</sup> Meeting Materials

Attached please find copies of Memoranda previously provided to the Review Committee. They concern topics on your Agenda for this Thursday's meeting and are provided to you again for your convenience.

Please feel free to contact me if you have any questions.

Attachments



## MEMORANDUM

**TO:** Leon County Charter Review Committee  
**FROM:** Kurt Spitzer  
**DATE:** December 8, 2009  
**RE:** Information for Meeting of December 10, 2009

This is to provide you with backup information for your meeting of December 10, 2009. There are three subjects that you have identified for discussion during that meeting: Non-partisan elections; annexation; and, the structure of the Tourist Development Council within the charter.

### 1. Non-partisan Elections

The charter provides that the members of the Board of County Commissioners and the Supervisor of Elections are elected on a non-partisan basis, without regard to party affiliation. The other county constitutional officers remain elected on a partisan basis.

Most charter counties have retained the partisan system of elections for County Commissioners that is prescribed for Commissioners in non-charter counties. Retaining a partisan system of elections offers the following advantages:

- ❖ Requiring candidates to run on the basis of party affiliation helps to identify the candidate's political traits and characteristics.
- ❖ The role and influence of the local political party tends to be more pronounced in elections that are partisan in nature.

Several county charters provide for non-partisan elections of the County Commission and, in some cases, the Constitutional Officers. Providing for a system of non-partisan elections offers the following advantages:

- ❖ Party affiliation is a less important and relevant indicator of future "job performance" in contests for local office than it is for state or federal office.
- ❖ Electing Commissioners on a non-partisan basis lessens the role and influence of the local political parties.
- ❖ All municipal and school board elections are held on a non-partisan basis.
- ❖ When qualifying for office by payment of filing fees, the fees in non-partisan elections are somewhat lower than those for partisan contests.

In addition to Leon, county charters providing for non-partisan elections are:

- ❖ Columbia (all county officials)
- ❖ Duval
- ❖ Miami-Dade
- ❖ Orange (all county officials)
- ❖ Palm Beach (county constitutional officers)
- ❖ Polk (county constitutional officers)
- ❖ Volusia (all county officials)

The charter may be amended in a number of ways to expand or contract the application of partisan elections for Leon county offices. Generally, the options available to the Committee are as follows:

1. Retain the current system without change.
2. Expand the current practice to all county officers.
3. Return to partisan elections for the members of the County Commission and/or the Supervisor of Elections.
4. Retain the system of non-partisan elections but require identification of party affiliation on the ballot for each candidate. Under this system, all candidates appear on a single ballot and a Republican elector may vote for a Democratic candidate (and vice versa) in an election. However, the party affiliation of each candidate appears on the ballot so as to better inform the voter.



## 2. Annexation

"Involuntary" or "voted" annexation is pre-empted by general law and a charter may not alter policy in this area. However, the charter may be amended to prescribe policy and procedures in the case of "voluntary" annexations – those situations where landowners agree to be annexed by the city.

Annexation is typically an issue of concern in larger, more urban counties where there is a multiplicity of city governments and strong competition for areas to provide municipal services such as water/sewer. Such competition may be between two or more cities, or between the county and one or more cities.

While a specific problem has not been identified for the consideration of the Committee, examples of possible policies that could be considered for inclusion in this policy area are measures to enhance requirements for notice and consent of either all of the landowners and/or the County Commission. Such provisions could be made applicable to all voluntary annexations or only those which exist outside of the urban services area.

A narrative example of policy on voluntary annexations from Palm Beach County is attached for your review.

## 3. Tourist Development Council Structure

The Leon County charter provides, as do most other county charters, that there are two charter officers that are hired and fired by the Board of County Commissioners: The County Administrator and the County Attorney. Senior staff reporting to either of those positions may be disciplined or terminated by the Administrator or Attorney with or without cause.

However, the Leon charter provides for an exception for the staff of the Tourist Development Council. But the Board of County Commissioners has delegated the supervision of the tourism development program to the County Administrator, creating a potential conflict between what the charter says and actual practice.

This is a largely housekeeping or technical issue. The Committee could recommend that an amendment be adopted to remove the exception for the staff of the Tourist Development Council from the charter. Such an amendment would bring the charter in line with current practice in Leon County and make the policy in the Leon charter consistent with that in other county charters.



## MEMORANDUM

**TO:** Leon County Charter Review Committee  
**FROM:** Kurt Spitzer  
**DATE:** December 14, 2009  
**RE:** Information for Meeting of December 17, 2009

This is to provide you with backup information for you meeting of December 17, 2009. You have previously been provided with information on non-partisan elections. That topic has been carried forward from the meeting of December 10<sup>th</sup> to your meeting of December 17, 2009. Additionally, the following subjects have been scheduled for December 17<sup>th</sup>:

1. Petition policy
2. The structure of the Board of County Commissioners
3. The selection practice and term of the Chair of the Board of County Commissioners

### 1. Petition Policy

Amendments to a county charter may be placed in front of the voters for their consideration by one of four ways:

1. Action of the County Commission;
2. Special Act of the legislative delegation;
3. Proposal of a charter review commission or a charter advisory committee; or
4. Petition of the electorate.

All county charters contain provisions by which the voters may propose amendments to the charter by petition. Variations exist from charter to charter concerning the number of signatures required to place the amendment on the ballot; whether the percentage of signatures is also required to be dispersed throughout the county (e.g. a certain percentage in a minimal number of commission districts); the length of time within which the signatures must be obtained; whether such amendments may embrace more than one

subject; and, what subjects are prohibited from being consideration via the petition process.

Most (not all) charters also contain provisions by which ordinances may be proposed via a petition process. Generally, such procedures provide that after obtaining a verified number of signatures, a proposed ordinance is presented to the County Commission for their consideration. If the Commission fails to adopt the ordinance, it is required to call a referendum on the question of the adoption of the proposed ordinance. If passed by the electorate, the Commission is typically barred from amending the ordinance except pursuant to a majority-plus-one-vote or until after the next general election. In practice, proposing an ordinance by petition has been used very, very rarely in Florida.

Policies on the adoption of amendments or ordinances by petition typically contain limitations on the subject matter that such petitions may address. Frequent limitations include budget and debt; the levy and collection of taxes; zoning and planning; or, matters inconsistent with general law. Limitations on the subject matter of ordinances proposed by petition may also include matters inconsistent with the charter.

The threshold (percentage) required for signatures of the electorate for placement of a charter amendment on the ballot is typically higher than that for consideration of an ordinance, reflecting the superior standing of a charter amendment. An ordinance adopted by a petition process may subsequently be amended or repealed by the County Commission but an amendment to the charter may only be amended or repealed by the electorate.

A charter is attached showing the policies in other county charters. With the exception of Wakulla, the number of signatures required in the Leon charter is among the highest in the state.

Your options are to do nothing, leaving the policy unchanged; increase or decrease the number of signatures required for proposed ordinances and/or charter amendments; or, revise some other aspect of the petition process.

## 2. BCC Structure

The issue raised for the consideration of the charter review advisory committee is whether to revise Leon County's districting system to one where there are three Commissioners elected countywide and four from single-member districts.

For years, the "default" structure of the Board of County Commissioners as required by the Florida Constitution was five Commissioners residing in separate residence districts but elected by all of the voters on a countywide (at-large) basis. Numerous lawsuits centering on whether this system had a discriminatory effect or intent resulted in the Legislature passing a proposed constitutional amendment allowing the voters of a county to approve one of two alternative systems: Five single-member districts or seven commissioners with two elected at-large and five from single-member districts. The Florida electorate adopted the amendment to the Constitution in the mid-1980's.

About half of the non-charter counties have retained the at-large system, as have many charter counties.

However, the electorate in most charter counties have the ability to adopt a wide variety of districting schemes for electing County Commissioners and are not bound by the statutory options of electing commissions based on a system of five at-large, five single-member or five single-member, plus two at-large. The attached table shows illustrates the districting practice in other charter counties.

Those who favor a system of single-member districts generally argue that Commissioners elected from individual districts are much more responsive to and reflective of the residents from within that district. At-large districting schemes may make it difficult for a member of a minority community to be elected.

Those who argue against single-member districts believe that such systems can lead to "ward" politics or that it is often more difficult for persons elected from a single district to be able to balance a wide variety of competing, countywide interests and view the "big picture" for the jurisdiction as a whole.

Several county charters contain provisions attempting to balance the objectives of the differing systems. Some pair a system of single-member districts with a strong elected executive or mayor. Others combine a system of single-member and at-large districts.

Hillsborough and Pinellas counties utilize a system where there are three commissioners elected at-large and four from single-member districts. Each elector has the ability to vote for a majority of the county commission – three Commissioners elected countywide plus his or her own district representative. The Pinellas system requires residence areas for those commissioners elected at-large; Hillsborough does not.

The five/two system in Leon County pre-dates the adoption of the charter but was not adopted by vote of the electorate. It is the result of a lawsuit brought by the NAACP. Altering the current system will require review by the federal court at some point in time.

3. BCC Chair Selection and Term

The issue raised for the consideration of the charter review advisory committee is whether to extend the term of the Chair who is selected by the other Commissioners or alternatively whether to provide that the Chair is directly-selected by the voters of the county for a period of four years.

As in most Florida counties, the Chair in Leon County is annually selected by his or her peers for a term of one-year. Typically, the vice-chair ascends to the position of Chair.

The duties of the Chair are largely ceremonial. He/she has no extraordinary powers and cannot order actions of the County Administrator or enter into agreements with other jurisdictions without authorizing action of the Board.

There are no other county charters that provide for an extended term of office (e.g. two years) where the Chair is selected by his or her colleagues on the Board. While such a policy could be adopted by charter amendment (or practice of the Commission) the question of whether the Commission may reverse its decision and how, especially if the term of the Chair extends over an election cycle, will need to be addressed.

Three counties (Duval, Orange and Miami-Dade) have adopted a system where the managerial head of the administrative branch is directly elected by the voters. Similar plans have been discussed in Hillsborough and Broward counties.

However, the other subject raised for the Review Committee is the question of direct election of the Chair while not altering his/her powers or duties. This system would retain the County Administrator form of government but allow a "leadership" position to be chosen by the voters for a term of four years. It would provide for more consistency in terms of the ceremonial leader of the county and in the relationship between the Administrator and the Chair.

The Volusia charter was recently amended to provide for this system. There are no other county charters that provide for a similar system, although numerous municipal charters do. The elected Chair could be "paired" with a revision to the districting scheme as discussed above.

enclosure

## Charter Practices

County	Population	Year Adopted	Districting Scheme	Administrative Structure	Ordinance by Petition	Ordinance Exclusions	CRC	Amendments by BCC	Charter Amendments
Alachua	228,607	1987	5 at-large	administrator	7% qual. to vote in last election; 6 months	budget, existing debt; comprehensive plan; zoning, rezoning of land	"commission"; every ten years; 11 to 15 members; BCC and Legislative Delegation prohibited	majority plus one vote of BCC; single subject	10% qual. last gen. election; single subject
Brevard	494,102	1994	5 single Member	administrator	5% (3 of 5 districts) qual. to vote; 9 months	existing budget, debt or CIP; staff salaries; collection of taxes; rezoning of less than 5% of total county land area	"commission"; every six years; similar appointments as Charter Commissions	proposed by 4/5 vote	5% in each district; single subj; same exclusions
Broward	1,669,153	1975	9 single Member	administrator	7% of electors during last election	annual budget; CIP; taxes; salaries of staff & officials	"commission"; every six years; BCC, Charter & Const Officers, Co. Admin. Excluded	proposed by 5 commissioners	(same as for ordinances)
Charlotte	148,521	1986	5 at-large	administrator	10% qual. to vote in last election; 6 months	budget; debt; zoning/rezoning individual parcel of land	"commission"; 11 to 15 members; elected officers excluded from membership; alternates also appointed	majority vote; single subject	10% qual. last gen. election; single subject

<i>County</i>	<i>Population</i>	<i>Year Adopted</i>	<i>Districting Scheme</i>	<i>Administrative Structure</i>	<i>Ordinance by Petition</i>	<i>Ordinance Exclusions</i>	<i>CRC</i>	<i>Amendments by BCC</i>	<i>Charter Amendments</i>
Clay	149,901	1991	5 single member	administrator	10% of voters in last election; 6 months	admin/judicial functions; debt, budget, CIP; salaries of officers/employees; levy collection of taxes; rezoning of individual parcels of land	"commission"; 15 members; every four years; no legislators or BCC members	majority vote; single subject	10% qual. last gen. election; single subject
Columbia	58,372	2002	5 single Member	administrator	7% qual. to vote in last election	admin/judicial functions; budget, debt, CIP; taxes; salaries; matters inconsistent with charter, general law, and constitution	"commission", every 10 years, members appointed by BCC	by majority plus one of entire Board	10%; single subj; same exclusions
Duval	809,394	1968	mixed (14/5)	executive			silent, no citizens review process		
Hillsborough	1,055,617	1983	mixed (4/3)	administrator	silent	NA	"commission"; every 5 years; 14 members appointed by BCC; no elected officials	by vote of at least 5 commissioners	8% total and in half of BCC districts; single subj

<i>County</i>	<i>Population</i>	<i>Year Adopted</i>	<i>Districting Scheme</i>	<i>Administrative Structure</i>	<i>Ordinance by Petition</i>	<i>Ordinance Exclusions</i>	<i>CRC</i>	<i>Amendments by BCC</i>	<i>Charter Amendments</i>
Lee	475,073	1996	5 at-large	administrator	5% qual. to vote in last election; 6 months	excludes budget, debt, CIP; salaries of officers & employees; levy/collection of taxes; rezoning individual parcel of land	"hybrid"; every four years; elected officials excluded from membership, 15 members	majority vote; single subject	7% qual. last gen. election; single subject
Leon	248,039	2002	mixed (5/2)	administrator	10% qual. in each district	budget, debt, CIP; salaries; taxes; zoning	"committee"; every 8 years	by majority plus one of entire Board; single subject	10%; same exclusions
Miami-Dade	2,312,478	1957	13 single	executive	4% of current electors; 2 months	reduction of revenues or increases in expenditures not effective until next FY; may be amended/repealed by BCC after one year	BCC required to review charter; no citizens review process	may be placed on ballot at any time	10%; even years only; held during gen. elect.
Orange	955,865	1986	6 single	chairman	7% qual. to vote in each district; 6 months	admin/judicial functions; budget, debt, CIP; salaries of officers & employees; levy and collection of taxes	"commission"; every four years; between 11 and 15 members; 18 months; no elected officials can serve	by majority vote of entire Board	10% in majority of districts; 6 months



<i>County</i>	<i>Population</i>	<i>Year Adopted</i>	<i>Districting Scheme</i>	<i>Administrative Structure</i>	<i>Ordinance by Petition</i>	<i>Ordinance Exclusions</i>	<i>CRC</i>	<i>Amendments by BCC</i>	<i>Charter Amendments</i>
Osceola	193,355	1992	5 at-large	administrator	7% qual. to vote in last election; 6 months	budget, debt; comprehensive plan; zoning, development regulations, title or other interest in real property	"committed"; every four years; 11 members; BCC, Const. Officers, Co. Admin prohibited	by majority plus one of entire Board	10% qual. last gen. election; single subject
Palm Beach	1,183,197	1985	7 single	administrator	7% qual. to vote in last election	budget	silent; no citizens review process	by affirmative vote of at least four commissioners	7%; considered only in presidential election years
Pinellas	933,994	1980	mixed (4/3)	administrator	silent	NA	"commission"; every 6 years; 13 members (4 elected officials); single or multiple subjects	majority plus one of BCC	10 % with no more than 30% in a single district
Polk	502,385	1998	5 at-large	administrator	6% from each district	budget, debt, CIP, salaries of officers & employees, assessment or collection of taxes, rezoning of land; single subject	"commission"; every 8 years; 13 members (11 from BCC 2 from O/O's); no elected officials	four members; no single subject restriction	7% from each district; similar exclusions as ord's

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Sarasota	339,684	1971	5 at-large	administrator	silent	NA	"commission"; directly elected, on-going Charter Review Board	by ordinance	5% of registered voters
Seminole	387,626	1989	5 at-large	administrator	5% (3 of 5 districts) qual. to vote; 6 months	admin/judicial functions; debt, budget, CIP; salaries of officers & employees; levy/collection of taxes, rezoning of individual parcels of land	"commission"; every six years; 15 members; elected officials, city and county staff prohibited	majority; single subject	7.5% in 3 of 5 districts; single subject
Volusia	459,737	1971	mixed (5/2)	manager - weak chair	silent	NA	"commission"; every ten years; appointed in same manner as charter commissions	2/3 vote of full council	5% from each district
Wakulla	25,250	2008	5 at-large	administrator	30%, including 30% in each BCC district	admin/judicial functions; budget, debt, taxes, CIP; salaries; powers/duties of constitutional officers; zoning; matters inconsistent with charter, general law, etc.	"commission"; every eight years; elected officials and staff prohibited from serving	majority plus one of entire BCC	30%, including 30% in each district

## **IX. (2): Staff/Consultant Discussion**

## **IX. (3): Member Discussion**

**X.**

**ADJOURNMENT WITH DAY FIXED FOR  
NEXT MEETING**